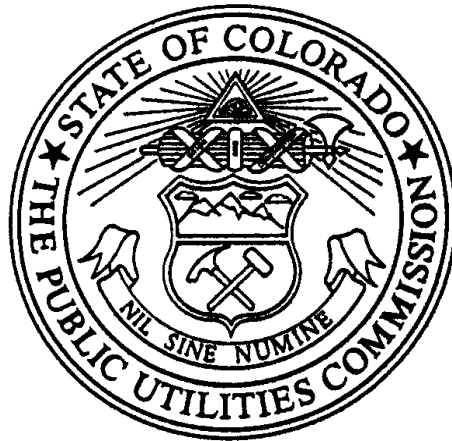


REGULATED INTRASTATE CARRIER RULES
(COMMON AND CONTRACT CARRIER RULES)
of the
RULES REGULATING TRANSPORTATION
BY MOTOR VEHICLE
723-6-6200.



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COLORADO DEPARTMENT OF REGULATORY AGENCIES
THE PUBLIC UTILITIES COMMISSION
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BASIS, PURPOSE, AND STATUTORY AUTHORITY

The basis for and purpose of these rules is to describe the manner of regulation over persons providing transportation services by motor vehicle in or through the state of Colorado. These rules address a wide variety of subject areas including, but not limited to, safety; civil penalties; the issuance, extension, transfer, and revocation of authority to operate as a motor carrier; insurance and permit requirements; tariff and time schedule requirements; the identification, condition, and leasing of motor vehicles; record keeping; and service standards. These rules cover an array of carriers, including common carriers, contract carriers, hazardous materials carriers, towing carriers, movers, and limited regulation carriers (charter buses, children's activity buses, luxury limousines, off-road scenic charters, and fire crew transport). In addition, these rules cover persons required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. § 14504a, including motor carriers, motor private carries, freight forwarders, brokers, leasing companies, and other persons.

The statutory authority for the promulgation of these rules can be found at §§ 40-2-108, 40-2-110.5(8), 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101, 40-5-105, 40-7-113(2), 40-10.1-101 through 507;42-4-235, 42-4-1809(2)(a), 42-4-2108(2)(a), and 42-20-202(1)(a), C.R.S.

REGULATED INTRASTATE CARRIER RULES

Regulated Intrastate Carrier Rules.

6200. Applicability.

Rules 6200 through 6249 apply to all common carriers, all contract carriers, and to all Commission proceedings and operations concerning common carriers and contract carriers as well as applicants, employees, and drivers of such carriers.

6201. Definitions.

In addition to the definitions in rule 6001, the following definitions apply to all carriers and drivers subject to these regulated intrastate carrier rules:

- (a) "Auto livery" or "auto livery service" means the transportation of passengers by common carrier, including the transportation of passengers in scheduled and/or call-and-demand service. This term is only used in historical authorities.
- (b) "Capable," as used in § 40-10.1-204(1), C.R.S., means ready, willing, and able to provide services under the terms of the common carrier's authority. Capability may be evidenced by,

among other things, ongoing transportation operations or good faith efforts to conduct such operations under such authority.

- (c) "Call-and-demand," "on call-and-demand," or "call-and-demand service" means the transportation of passengers by a common carrier not on schedule.
- (d) "Chartering party" means a person or group of persons who share a personal or professional relationship whereby all such persons are members of the same affiliated group, including, a family, business, religious group, social organization or professional organization. "Chartering party" does not include groups of unrelated persons brought together by a carrier, transportation broker, or other third party.
- (e) "Charter service" means transportation of a chartering party provided by a common carrier on a call-and-demand basis.
- (f) "Common carrier" means every person directly or indirectly affording a means of transportation, or any service or facility in connection therewith, within this state by motor vehicle or other vehicle whatever by indiscriminately accepting and carrying passengers for compensation; except that the term does not include a contract carrier as defined under § 40-10.1-101(6), C.R.S.; a motor carrier that provides transportation not subject to regulation pursuant to § 40-10.1-105, C.R.S.; or a limited regulation carrier defined under § 40-10.1-301, C.R.S.
- (g) "Contract carrier" means every person, other than a common carrier or a motor carrier of passengers under Part 3 of Article 10.1 of Title 40, C.R.S., who, by special contract, directly or indirectly affords a means of passenger transportation over any public highway of this state.
- (h) "Encumbrancer" means a person seeking or holding an encumbrance (e.g., lien or mortgage) against the authority of a common or contract carrier.
- (i) "Flag stop" means a point of service designated by a common carrier on its filed schedule, which point is located between two scheduled points on the scheduled route. Typically, the common carrier does not designate a specific time for service to the flag stop; if the common carrier does designate a specific time for service, the time is considered to be an approximation.
- (j) "Limousine service" means the transportation of passengers by a common carrier on a call-and-demand basis charged at a per-person rate, and the use of the motor vehicle is not exclusive to any individual or group. The term "limousine service" is distinguished from the term "luxury limousine service" as used in Article 10.1 of Title 40, C.R.S. This term is only used in historical authorities.
- (k) "Outstanding authority" means an existing authority, or any portion thereof, which is not under suspension.
- (l) "Scheduled service," "on schedule," or "schedule" means the transportation of passengers by a common carrier between fixed points and over designated routes at established times as specified in the common carrier's time schedule filed with and approved by the Commission.
- (m) "Shuttle service" means the transportation of passengers by a common carrier on a call-and-demand basis charged at a per-person rate and the use of the motor vehicle is not exclusive to any individual or group.
- (n) "Sightseeing service" means the transportation of passengers by a common carrier on a call-and-demand basis originating and terminating at the same point for the sole purpose of viewing or visiting places of natural, historic, or scenic interest.

- (o) "Special bus service," "special bus transportation," or "special bus", only used in historical authorities, means the transportation of passengers by common carrier:
 - (I) not including ordinary and continuous scheduled service;
 - (II) rendered generally on weekends, holidays, or other special occasions;
 - (III) with a fixed termination date; and
 - (IV) to a number of passengers whom the carrier on its own initiative has assembled into a travel group, through its own promotion and sale of individual tickets, for a trip or tour planned by the carrier.
- (p) "Tacking" means the joinder of two or more separate authorities or two or more separate parts thereof at a common service point for the purpose of providing a through service.
- (q) "Taxicab" means a motor vehicle with a seating capacity of eight or less, including the driver, operated in taxicab service.
- (r) "Taxicab service" means passenger transportation by a common carrier on a call-and-demand basis in a taxicab, with the first passenger therein having exclusive use of the taxicab unless such passenger agrees to multiple loading.
- (s) "Transfer" means, without limitation, any sale, lease, assignment, license, change in ownership, foreclosure of an encumbrance, execution in satisfaction of any judgment or claim, merger, consolidation, or similar transaction in which control of any authority or portion thereof changes from one entity to another, whether voluntarily, by court order, or otherwise.
- (t) "Transferee" means any entity newly acquiring control of any authority from a transferor.
- (u) "Transferor" means any entity transferring control of any authority to a transferee.

6202. Prohibited Operations.

- (a) Without specific approval by the Commission, no regulated intrastate carrier shall:
 - (I) combine or tack two or more separate authorities or two or more separate parts of an authority in order to render a transportation service not authorized by any individual authority or part thereof;
 - (II) extend, enlarge, diminish, change, alter, or vary the territory, route, or service authorized by its authority;
 - (III) serve any point not included in its authority or authorized by statute;
 - (IV) abandon or suspend operations under its authority; or
 - (V) file a tariff or time schedule whose applicability or scope violates this rule.

6203. Applications to Operate as a Common or Contract Carrier.

- (a) Any person seeking permanent authority to operate as a common or contract carrier, or permanent authority to extend a common carrier certificate or contract carrier permit, shall file an application. The application shall contain the following information:

- (I) The name, including trade name if applicable, physical address, mailing address, telephone number, and email address of the applicant.
- (II) The name, mailing address, telephone number, and email address of the applicant's representative to whom the Commission may direct inquiries regarding the application.
- (III) The name and address of the applicant's Colorado designated agent for service of process, if required by rule 6011.
- (IV) A statement describing the applicant's business structure (corporation, limited liability company, partnership, sole proprietorship, etc.).
- (V) If the applicant is a corporation: the name of the state in which it is incorporated; the mailing address and physical address of its principal office; the names of its directors and officers; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application.
- (VI) If the applicant is a limited liability company: the name of the state in which it is organized; the mailing address and physical address of its principal office; the name of its managers; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application.
- (VII) If the applicant is a partnership: the names, titles, and addresses of all general and limited partners.
- (VIII) A copy of the applicant's certificate of assumed trade name or trade name registration, if applicable.
- (IX) A complete description of the authority sought, which shall indicate:
 - (A) whether the applicant proposes to operate as a common or contract carrier;
 - (B) the proposed type of service (e.g., charter, shuttle, sightseeing, taxicab, or scheduled, but not limousine, auto livery or special bus), if the applicant proposes to operate as a common carrier;
 - (C) the proposed geographic area of service or the proposed points or routes of service;
 - (D) any proposed restrictions to the authority sought; and
 - (E) a description of the make, model, and year of the motor vehicles proposed to be operated, or if unknown, then a summary of the number and types of motor vehicles proposed to be operated.
- (X) A map or diagram showing the proposed geographic service area, or the proposed points or routes of service, if and in the form requested by the Commission or Commission staff.
- (XI) A statement setting forth the qualifications of the applicant, including managerial, operational, and financial fitness, to conduct the proposed operations.
- (XII) A statement describing the extent to which the applicant, or any person affiliated with the applicant, holds or is applying for authority duplicating or overlapping in any respect the authority at issue in the application.

- (XIII) A statement identifying current authorities issued by either a state or federal agency, authorizing the applicant or any affiliate to provide for-hire transportation of passengers in the state of Colorado.
- (XIV) A statement that the applicant understands the Commission will, in its discretion, cancel any duplicating or overlapping authorities created by granting the application.
- (XV) A statement indicating the town or city where the applicant prefers any hearing to be held.
- (XVI) A statement, signed by the applicant, that the application contains only information that is true and correct to the best of the applicant's knowledge and belief.
- (XVII) If the applicant applies for common carrier authority, the applicant shall demonstrate a public need for the proposed service and that the authority is in the public interest and should be granted. Due to the presumed public need in § 40-10.1-203(2)(b)(II)(B), C.R.S., this demonstration is not required when the proposed service is taxicab service within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson. Any letter of support filed to demonstrate a public need:
 - (A) shall contain the author's name, address, and telephone number;
 - (B) should describe the public need;
 - (C) should specifically support the applicant's particular request for authority;
 - (D) should describe whether and how existing service is inadequate;
 - (E) should contain a statement that the letter contains only information that is true and correct to the best of the author's knowledge and belief; and
 - (F) shall be signed by the author.
- (XVIII) If the applicant seeks contract carrier authority shall provide a statement of the facts upon which the applicant relies to establish the superior, special, or distinctive nature of the transportation service, or how the transportation service will be specifically tailored to meet the customers' needs. The applicant shall also attach a letter from each proposed customer. Such a letter:
 - (A) shall contain the proposed customer's name, address, and telephone number;
 - (B) should indicate the proposed customer's special or distinctive transportation needs;
 - (C) should specifically support the applicant's particular request for authority;
 - (D) should describe whether there is existing service and how the existing service is inadequate;
 - (E) should contain a statement that the letter contains only information that is true and correct to the best of the proposed customer's knowledge and belief; and
 - (F) shall be signed by the proposed customer.

- (b) Any person seeking temporary authority to operate as a common or contract carrier, shall file an application.
 - (I) The application shall contain all the information specified by paragraph (a) of this rule, modified as follows:
 - (A) any letters of support shall contain the following additional information: an explanation of the immediate and urgent need for the proposed service; whether there is any other transportation service available; if such service is available, a detailed description of the author's efforts to use it and whether it is capable of meeting the author's needs, and the extent to which available transportation services have refused to provide service;
 - (B) the statement of facts shall also establish an immediate and urgent need for the proposed service and that there is no such service capable of meeting the need;
 - (C) the statement in subparagraph (a)(XIX) is not required;
 - (D) a statement shall be included indicating whether the Commission has previously granted to the applicant authority to render all or any part of the proposed service and the decision number granting the authority; and
 - (E) a statement shall be included of the period of time which applicant requests the temporary authority to cover, not to exceed 180 days.
 - (II) The Commission shall not grant temporary authority to provide the same service, including both temporary authority and emergency temporary authority for a total period greater than 180 days.
- (c) Any person seeking emergency temporary authority to operate as a common or contract carrier, shall file an application with the Commission. The application shall contain all the information required by paragraph (b) of this rule, except that the period of time identified in subparagraph (b)(I)(E) shall not exceed 30 days. The application shall include a statement of facts establishing the basis and nature of the emergency need for the proposed service. Any letters of support shall describe the basis and nature of the emergency. Without regard to the period of time in the application, the Commission shall not issue emergency temporary authority for a period greater than 30 days following the effective date of the Commission decision granting the authority.
- (d) The granting of emergency temporary authority creates no presumption that temporary or permanent authority will be granted. The granting of temporary authority creates no presumption that permanent authority will be granted.
- (e) Burden of proof for contract carrier applicants.
 - (I) A contract carrier applicant shall bear the burden of proving that the service it proposes is superior, special, of a distinctive nature, or that the service will otherwise be specifically tailored to meet the potential customers' needs.
 - (II) Such a showing is overcome by an intervenor's showing that the intervenor is ready, willing, and able to meet the potential customers' needs.
 - (III) If the intervenor makes such a showing, the applicant shall bear the burden of proving that the applicant is better suited than the intervenor to meet the needs of the potential customer.

- (IV) The intervenor may overcome such a demonstration by establishing that the applicant's proposed operation will impair the efficient public service of any common carrier then adequately serving the same geographic area.
- (V) Nothing in this paragraph shall be construed to direct the sequence of evidence presented by the parties.

6204. Applications to Voluntarily Abandon or Suspend Authority.

- (a) A regulated intrastate carrier shall file an application to voluntarily abandon or suspend its authority, or any portion thereof. After ten days' notice, the Commission may either decide such an application without a hearing or set it for hearing. Carrier obligations are not affected by filing of the application; rather they will be determined by Commission decision. The application shall:
 - (I) fully describe why the abandonment or suspension is sought;
 - (II) describe how the abandonment or suspension will affect the public;
 - (III) contain a statement that the application contains only information that is true and correct to the best of the applicant's knowledge and belief; and
 - (IV) be signed by the applicant.
- (b) A regulated intrastate carrier may not request and the Commission shall not grant a voluntary suspension persisting for longer than:
 - (I) twelve consecutive months;
 - (II) twelve months in any 24-month period; or
 - (III) two consecutive seasons, for a regulated intrastate carrier operating seasonally.
- (c) In addition to all other applicable requirements, any request for waiver or variance from this time period limitation must demonstrate that the suspension is in the public interest and that alternative service will be available during the period of suspension.

6205. Application to Encumber, Transfer, Merge, Consolidate, and Acquire Control.

- (a) No regulated intrastate carrier shall by any means, directly or indirectly, sell, lease, merge, consolidate, assign, license, encumber, or otherwise transfer any right or interest in any portion of said regulated intrastate carrier's authorities, except as specifically provided by Commission order, rule 6205, or Article 11.5 of Title 40, C.R.S.
- (b) Except with regard to foreclosures of encumbrances, executions in satisfaction of a judgment or claim, or transfers pursuant to a court order, only the owners of an authority as shown in the official records of the Commission may transfer the authority. No regulated intrastate carrier shall transfer any authority by means of foreclosure of an encumbrance or by means of an execution in satisfaction of any judgment or claim, except as approved by the Commission. Commission approval of an encumbrance is not authorization to transfer the subject authority.
- (c) An application to encumber any authority, transfer any authority, acquire control of any regulated intrastate carrier, or permit a merger or consolidation of a regulated intrastate carrier with any other entity, shall, if possible, take the form of a joint application submitted by all parties to the transaction. Such an application shall contain all the information below. If an applicant is unable

to supply the required information, the applicant shall explain the reason for the lack of information.

- (I) All applicants shall provide the information required by subparagraphs 6203(a)(I), (II), and (XIV).
- (II) Transferees and encumbrancers shall provide the information required by subparagraphs 6203(a)(III) - (VIII), and (XI) - (XVI). An application to transfer a contract carrier permit shall include a signed letter of support from each customer.
- (III) If a transferee or encumbrancer is an executor, trustee, receiver, or other similar representative of the real party in interest: a copy of the court order evidencing the representative's appointment, or other evidence of authority if not under court order.
- (IV) If the transaction covers only portions of an authority: a statement fully explaining which portions are covered by the transaction and which are not.
- (V) A complete description of the type of transaction for which the applicants seek Commission approval, together with a statement describing each applicant's role in the transaction.
- (VI) If the transaction involves an acquisition of stock: a statement of the transferor's total number of outstanding capital stock shares, by class; and the number of shares of each class to be acquired by transferee.
- (VII) A copy of all agreements concerning the transaction, including a copy of all documents creating a security interest, if any, and a statement of the consideration paid in the transaction.
- (VIII) A statement explaining how the transferee proposes to meet the financial requirements of the transaction, including, if a loan is involved, the amount, maturity, interest rate, and other terms and conditions.
- (IX) A statement setting forth the nature, extent, and proposed disposition of any existing encumbrances against the affected authorities.
- (X) A current copy of each of the letters of authority encompassing the authorities at issue in the application.
- (XI) If the transaction involves the lease of an authority: a copy of the proposed lease and a statement of the lease's effective date and termination date.
- (XII) If a transferor or encumbrancer seeks foreclosure of an encumbrance or execution in satisfaction of any judgment or claim: the transferee's written consent to transfer, or in lieu thereof, a judicial order authorizing unilateral action by the transferor or encumbrancer.
- (XIII) A statement setting forth the qualifications of the transferee, including managerial, operational, and financial fitness, to conduct the proposed operations.
- (XIV) A statement that the applicants understand the Commission will, in its discretion, cancel any duplicating or overlapping authority created by the transaction.
- (XV) A statement setting forth whether the transferor has been and is conducting active, bona fide operations under the authorities at issue in the transaction.

- (XVI) A statement of the facts upon which the applicants rely to show that the application should be granted. The applicants have the burden of proving:
 - (A) that the transferor has not abandoned the authority and has not allowed the authority to become dormant;
 - (B) that the transferor has been and is engaged in bona fide operations under its authority, or the extent to which bona fide operations have been excused because of a Commission-approved suspension;
 - (C) that the transfer is not contrary to the public interest;
 - (D) that the transfer will not result in the common control or ownership of duplicating or overlapping authorities; and
 - (E) that the transferee will engage in bona fide regulated intrastate carrier operations and is fit to do so, except in transfers involving foreclosures of encumbrances, executions in satisfaction of a judgment or claim, or transfers pursuant to a court order.
- (XVII) A statement, signed by the applicants, that the application contains only information that is true and correct to the best of the applicants' knowledge and belief.
- (d) An application filed under § 40-10.1-204, C.R.S., seeking temporary or emergency temporary approval to operate or transfer control of an authority shall be filed concurrently with the permanent application filed under paragraph (c) of this rule. A temporary and/or emergency temporary application shall contain a statement of the facts establishing that failure to grant temporary or emergency temporary approval may result in destruction of or injury to the utility's properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public. In the case of an emergency temporary application, the application shall contain a statement explaining the nature and extent of the emergency.
- (e) Upon approval of a transfer application a transferee shall not begin operations until after the Commission has advised the transferee that it is in compliance with all requirements and is authorized to begin operations. In accordance with the timelines set forth by the Commission's decision, the transferee shall:
 - (I) file with the Commission an adoption notice, in a form available from the Commission, whereby the tariff and/or time schedule of the transferor shall become those of the transferee until changed;
 - (II) cause to be filed with the Commission proof of insurance as required by Commission rules; and
 - (III) pay the issuance fee and annual motor vehicle fee.
- (f) The transferor of any authority or permit shall not cancel its insurance, surety bond, or tariffs until the Commission has approved the transfer, the transferee has filed all required documents in the transferee's own name, and the Commission has advised the transferee that it is authorized to begin operations.
- (g) Upon approval of a permanent transfer application, the transferor and transferee shall file a Commission-prescribed acceptance of transfer form. The form shall be signed by both parties, indicating acceptance of the terms and conditions of the decision authorizing the transfer. The

Acceptance of Transfer shall contain a statement indicating that the transferee has complied, and will comply, with all provisions of the agreement of sale, lease, or other transfer.

- (h) When the Commission authorizes the transfer of control of one regulated intrastate carrier to another regulated intrastate carrier on a permanent basis, the adoption notice and adopted tariffs and time schedules shall be valid for a maximum of 120 days from the date of issuance of the authority, or as otherwise ordered by the Commission.
- (i) Within 60 days from approval of the permanent transfer of the authority, the transferee shall file an advice letter and tariff in the transferee's name in accordance with Commission rules.
- (j) The granting of emergency temporary authority to operate or transfer control creates no presumption that temporary or permanent authority will be granted. The granting of temporary authority to operate or transfer control creates no presumption that permanent authority will be granted.
- (k) If temporary or emergency temporary authority to assume operating control is not made permanent, transferor shall file an adoption notice reassuming permanent operating control. The transferor shall also post the adoption notice in a prominent public place in each terminal facility and office of the transportation utility, and shall make the adoption notice available for public inspection at each terminal and office. The temporary or emergency temporary authority assumed by the transferee expires on the effective date of the transferor's adoption notice reassuming permanent operating control.

6206. Duplicating or Overlapping Authorities.

The Commission shall cancel duplicating or overlapping authorities that arise as a result of any grant, extension, or other modification to a certificate or permit.

6207. Tariffs.

- (a) A regulated intrastate carrier shall keep on file with the Commission, at all times, approved tariffs clearly showing rates, charges, and collections to be assessed for all transportation and accessorial services and disclosing all rules and conditions relating to rates or service.
- (b) Tariff compliance.
 - (I) No regulated intrastate carrier may operate its motor vehicles without having approved tariffs on file with the Commission.
 - (II) No regulated intrastate carrier shall disseminate to any person information contrary to the information contained in its approved tariff.
 - (III) No regulated intrastate carrier shall operate in conflict with its approved tariff.
- (c) A common carrier shall ensure that a copy of its approved tariff is available for public inspection, at all reasonable times, in each of the common carrier's offices or terminals transacting business with the public.
- (d) Every taxicab carrier shall publish, in its tariffs, reduced fares applicable to each passenger being transported under a multiple loading arrangement. The calculated fare for each passenger in a multiple load shall be reduced by a minimum of 20 percent.
- (e) A contract carrier shall ensure that:

- (I) Its tariff includes the provisions required by paragraph 6209(d) or incorporates the written contract into tariff by attaching a copy of the contract to the tariff.
- (II) It is paid in accordance with its approved tariff.
 - (A) The tariff shall provide for payment to the contract carrier only:
 - (i) by the Commission-approved person with whom the contract carrier has directly contracted; or
 - (ii) by such entity's agent for distribution of payment.
 - (B) The tariff shall not provide for payment from an individual passenger, unless:
 - (i) such passenger is the Commission-approved person specifically named in the contract carrier's permit; or
 - (ii) the Commission specifically so approves.
- (f) Unless this rule specifies otherwise, the provisions of rules 1210 and 1305 of the Commission's Rules of Practice and Procedure govern the tariffs and advice letters of regulated intrastate carriers. In addition to the requirements of subparagraph 1210(b)(1)(A), the tariff's title page shall contain the regulated intrastate carrier's common carrier certificate or contract carrier permit numbers to which the tariff applies.
- (g) A regulated intrastate carrier filing a tariff for newly granted or extended authority shall do so on no less than:
 - (I) one day notice for emergency temporary authority;
 - (II) five days' notice for temporary authority; and
 - (III) ten days' notice for permanent authority.
- (h) A regulated intrastate carrier proposing a tariff to replace or modify an existing tariff shall not implement such change except after 30 days notice to the Commission and the public. The regulated intrastate carrier shall file, upon the request of Commission staff, additional supporting documentation to justify the proposed tariff. The justification should include an explanation of the circumstances and data relied upon in requesting approval of the proposed tariff.
- (i) In addition to the notice required by § 40-3-104, C.R.S., and the notice requirements of the Rules of Practice and Procedure, a common carrier filing an advice letter and proposed tariff pages shall give notice as follows:
 - (I) The common carrier shall post notice of its proposed tariff pages, concurrently with the filing of the advice letter with the Commission.
 - (A) Notice shall be posted in a prominent public place in each terminal facility and office of the common carrier.
 - (B) Notice shall be posted on the carrier's website. In the event that a carrier does not have a website, such carrier shall post notice of its proposed tariff pages in a newspaper of general circulation which covers the localities or areas of the state where people affected by the proposed tariff change reside. Such notice shall appear in the newspaper at least 20 days prior to the proposed effective date. A

common carrier utilizing this form of notice shall file an affidavit of publication prepared by the newspaper, or a copy of the published notice, with the Commission no later than seven days prior to the proposed effective date,

- (C) Notice shall be posted in the passenger compartment of each motor vehicle used in the transportation of passengers affected by the proposed tariff pages.
- (D) The notice shall remain posted for a minimum of 20 days from the date filed with the Commission.
- (II) The common carrier shall include in such notice: the proposed changes; the proposed effective date; a statement that a written objection may be filed with the Commission; a statement that any objection must be filed at least ten days prior to the proposed effective date; and the Commission's address and website where objections may be filed.
- (j) An application to amend a tariff on less notice than otherwise required by these rules shall only be granted for good cause. The application shall contain the proposed advice letter and tariff, information fully explaining the circumstances and data relied upon to justify why the tariff amendment is sought, why it should be made on lesser notice, and how the tariff change will affect the public if approved. Notice of an application requesting lesser notice shall be given as follows:
 - (I) The common carrier shall post notice of its proposed tariff amendment concurrently with the filing of the proposed amendment with the Commission.
 - (A) Notice shall be posted in a prominent public place in each terminal facility and office of the common carrier.
 - (B) Notice shall be posted on the carrier's website.
 - (C) Notice shall be posted in the passenger compartment of each motor vehicle used in the transportation of passengers affected by the proposed amendment.
 - (D) The notice shall remain posted until the Commission approves or rejects the application.
 - (II) The common carrier shall include in such notice: the proposed changes; the proposed effective date; a statement that the Commission may grant or deny the application; a statement that a written objection may be filed with the Commission; a statement that an objection may only be filed prior to the date that the Commission grants or denies the application; and the Commission's address and website where objections may be filed.
- (k) If the Commission rejects a tariff, the tariff number contained in it shall not be used again. The tariff or amendment shall not be referred to afterwards as canceled, amended, or otherwise.

6208. Time Schedules.

- (a) No scheduled common carrier may operate its motor vehicles without having approved time schedules on file with the Commission. No such common carrier shall operate in conflict with its approved time schedules.
- (b) No scheduled common carrier shall disseminate to any person information contrary to the information contained in its approved time schedules.

- (c) A common carrier shall promptly report in writing to the Commission and shall communicate to the affected public any interruption of regular service for 24 continuous hours or more, explaining in detail the cause and anticipated length of the service interruption.
- (d) A scheduled common carrier shall designate its flag stops on its schedule. Such a common carrier shall drive by each flag stop in such close proximity and speed as to be able to reasonably assess whether passengers are waiting for service. Failure to stop for a waiting passenger constitutes prima facie evidence of a violation of subparagraph 6202(a)(II).
- (e) A scheduled common carrier shall ensure that a copy of its approved time schedule is available for public inspection, at all reasonable times, in each of the common carrier's offices or terminals transacting business with the public. The common carrier shall carry copies of its time schedules in its scheduled motor vehicles, and shall furnish them to passengers upon request.
- (f) Time schedules shall be filed with the Commission as part of the scheduled common carrier's tariff, in accordance with applicable provisions of rule 6207. At a minimum, time schedules shall contain the following:
 - (I) a statement of the scope of the time schedule, describing the route or points to which the time schedule applies;
 - (II) an explanation of the symbols, reference marks, and abbreviations used;
 - (III) one or more lists of all scheduled stops and all flag stops, in geographical order, designating the departure and/or arrival times for the scheduled stops, as appropriate;
 - (IV) a statement whether service is daily or otherwise, and if otherwise a statement describing the other service;
 - (V) the address of each scheduled stop, if such address exists, otherwise a description sufficient to notify the Commission and the public regarding the location of the scheduled stop; and
 - (VI) any other appropriate information regarding the service the common carrier desires to perform.

6209. Contract Carrier Contracts.

- (a) Except as otherwise permitted by law, a contract carrier shall not enter into a contract for transportation with any person not named in the contract carrier's permit.
- (b) Except as otherwise permitted by law, a contract carrier shall not engage in any act of transportation for compensation except in compliance with the contract between the contract carrier and the person named in the contract carrier's permit.
- (c) Contracts shall be written.
- (d) At a minimum, all contracts shall specify the following:
 - (I) the names of the parties to the contract;
 - (II) the provisions regarding the scope and terms of transportation and accessorial services to be provided; and
 - (III) the date(s) and terms of the contract, including rates.

- (e) A contract carrier shall not operate in conflict with the contract carrier's permit.
- (f) A contract carrier shall not operate in conflict with the contract carrier's tariff.

6210. Refusal of Service, Driver Courtesy.

- (a) No regulated intrastate carrier or driver may refuse to transport any passenger unless: the passenger is acting in an unlawful, disorderly, or endangering manner; there is a previous commitment of the equipment; or the passenger is unable to care for himself or herself, if not in the charge of a responsible companion or attendant. Except where there is a previous commitment of the equipment, a driver shall immediately report to the carrier any refusal to transport a passenger.
- (b) Every regulated intrastate carrier shall ensure that its drivers provide its passengers with courteous service promoting the passengers' comfort and convenience. Drivers shall not behave discourteously. Discourteous service by a driver includes, but is not limited to, instances involving profanity, obscenity, assault, or the making of derogatory sexual or racial remarks towards passengers or other persons. Passenger's or other person's conduct, especially if it is unlawful, disorderly, or endangers others, is a factor to consider in determining whether a driver behaves discourteously.

6211. [Reserved].

6212. Annual Reports.

- (a) Each regulated intrastate carrier shall file with the Commission an annual report on a Commission-prescribed form on or before April 30 of each year. The regulated intrastate carrier shall complete all sections of the annual report applicable to said regulated intrastate carrier for the 12-month period ending on December 31 of the previous calendar year.
- (b) When the Commission grants a permanent transfer of authority, the transferor shall complete a terminating annual report on a Commission-prescribed form, which report shall cover the period from January 1 to the date of the decision approving the transfer.
- (c) A principal of the regulated intrastate carrier shall sign the certification of the annual report or terminating annual report. In all annual report filings, the regulated intrastate carrier shall comply with subparagraph 1204(a)(III) and rule 1100 et seq., of the Commission's Rules of Practice and Procedure.

6213. Age of Motor Vehicles.

- (a) Intrastate regulated carriers operating vehicles with a seating capacity of 15 or less shall not use vehicles older than 12 model years as of July 1 of each year.
- (b) The counting of model years shall begin with the present calendar year. By way of example, between July 1, 2011, and June 30, 2012, counting backwards, 2011 is the first model year, 2010 is the second model year, and so forth.
- (c) An intrastate regulated carrier operating vehicles that are over 12 model years old as of August 1, 2012, shall have until July 31, 2014, to comply with paragraph (a) for those specific vehicles.
- (d) A vehicle that would otherwise be subject to this rule that is equipped with ramps, lifts, or other special devices to facilitate the loading, unloading, or transportation of individuals with disabilities is exempt from the requirements of this rule if all such devices are in good working order.

6214. Condition of Motor Vehicles.

Vehicles operated by intrastate regulated carriers shall be in good physical condition. The Commission's enforcement officials shall use the following general guidelines in determining if a vehicle is in good physical condition:

- (a) The body of the vehicle has a good, unfaded paint job; is devoid of dents, rust, broken trim, and cracked windows; and
- (b) Except for problems caused by current weather conditions, the interior of the vehicle is clean, and has no major tears, cracks, or stains upon the upholstery, headliner, and carpeting.

6215. Forms of Payment.

A common carrier may accept any form of payment, but must accept MasterCard and Visa credit cards.

6216. Regulated Intrastate Carrier Violations, Civil Enforcement, and Civil Penalties.

- (a) A person who violates any of the following provisions may be assessed a civil penalty of up to \$1,100.00 for each violation of:
 - (I) § 40-10.1-201(1), C.R.S., or § 40-10.1-202(1), C.R.S.;
 - (II) § 40-10.1-205, C.R.S.; rule 6202; or paragraph 6205(e); or
 - (III) § 40-10.1-206, C.R.S.; subparagraph 6207(b)(I); or paragraph 6208(a).
- (b) A violation of subparagraph 6207(b)(II), paragraph 6209(a), paragraph 6210(a), or rule 6212 regarding filing an annual report may result in the assessment of a civil penalty of up to \$550.00 for each violation.
- (c) A violation of subparagraph 6207(b)(III) may result in the assessment of a civil penalty as follows for each violation:
 - (I) up to \$275.00 for an overcharge of \$25.00 or less;
 - (II) up to \$550.00 for an overcharge greater than \$25.00 but less than or equal to \$50.00; and
 - (III) up to \$1,100.00 for an overcharge greater than \$50.00.
- (d) Except as provided for in paragraphs (a), (b), and (c) of this rule, a person who violates any provision of Part 2 of Article 10.1 of Title 40, C.R.S., or any provision of these regulated intrastate carrier rules may be assessed a civil penalty of up to \$275.00 for each violation.
- (e) Civil penalty assessments are in addition to any other penalties provided by law.

6217. – 6249. [Reserved].

Taxicab Carrier Rules

6250. Applicability of Taxicab Carrier Rules.

Rules 6250 through 6258 apply to all common carriers providing taxicab service. Nothing in these taxicab carrier rules shall alter, amend, modify, suspend, or otherwise affect specific provisions, limitations, or requirements in any authority issued to any common carrier prior to the adoption of these rules.

6251. Definitions.

In addition to the definitions in rule 6001, and the definitions applicable to common and contract carriers in rule 6201, the following definitions apply to all common carriers providing taxicab service:

- (a) "Access fee" means the fee assessed by an airport for the use of its facilities for one trip levied upon motor carriers transporting passengers to, from, or at an airport.
- (b) "Base area" means a geographic area in which a taxicab carrier is authorized to provide point-to-point service.
- (c) "Close proximity", as referenced in § 40-10.1-203, C.R.S., means within a one-mile radius and 20 minutes from the drop-off location and time.
- (d) "DIA" means Denver International Airport.
- (e) "Live meter" means any taxicab meter that, without intervention from the driver, automatically calculates changes in rates for taxicab service due to waiting time, traffic delay, or changes in the taxicab's speed.
- (f) "Multiple loading" means the sharing of a taxicab ride, or portion thereof, by unrelated traveling parties.
- (g) "Taxicab carrier" means a common carrier with authority to provide taxicab service.
- (h) "Time call" means a customer's communication with a common carrier requesting a specific date and time for service (otherwise known as an appointment), or the common carrier's service provided in response to the customer's communication, as the context requires.

6252. Notices.

Each taxicab carrier shall post the following notices, as applicable, on the inside of the left window immediately behind the driver's window or on the back of the front seat of each taxicab it operates. Except as provided in subparagraph (f), the font size of such notice shall be at least 14-point characters and the font size of the cab number shall be at least 24-point characters. The taxicab carrier shall complete all blanks in the notices.

- (a) The following notice shall be placed in all taxicabs:

NOTICE

Cab No. _____

The driver of this taxicab shall not load other passengers without the permission of the first passenger.

Additional charges may apply for additional passengers, passenger drop offs, baggage and packages, waiting time, pets, and toll charges or access fees.

Report any problems to the Public Utilities Commission at (303) 894-2070.

- (b) If the taxicab carrier uses meters only, the notice shall state:

Fares are calculated by use of a meter. The meter fares are _____ for the first _____ mile plus _____ for each additional _____ mile.

- (c) If the taxicab carrier uses a live meter, the notice shall state:

The meter will automatically change to a time charge of _____ per minute when the taxicab's speed is less than _____ miles per hour.

- (d) If the taxicab carrier uses odometers only, the notice shall state:

Fares are calculated by use of the odometer. The fares are _____ for the first _____ mile, plus _____ for each additional _____ mile.

- (e) If the taxicab carrier uses both meters and odometers, such notice shall contain the information specified by paragraphs (b), (c), and (d), as applicable.

- (f) If the taxicab carrier serves DIA subject to the rate provided for in rule 6257 the notice shall contain a zone map showing the zones and, except for airport access fees and drop charges, the applicable rate in each zone. The font size may be no less than 12-point characters.

6253. Service: Multiple Loading; Routing; Quality.

- (a) Multiple loading.

(I) No taxicab carrier or taxicab driver shall engage in multiple loading from a common point of origin or from separate locations if the taxicab driver receives the second request for service via the taxicab company's dispatch system, unless the first passenger occupying the taxicab agrees to multiple loading.

(II) If the first passenger agrees to the multiple load, the taxicab driver shall advise the first passenger that the meter charge from his/her origin to destination will be reduced by the percentage named in the taxicab carrier's tariff. The taxicab driver shall also advise the second passenger that the meter charge from his/her origin to destination will be reduced by the percentage named in the taxicab carrier's tariff.

- (b) A taxicab carrier shall ensure that passenger transportation shall be by the shortest possible route between the origin and destination; provided, however, that a passenger may agree to an alternate route or designate the route he or she wishes to travel, if the taxicab carrier has first advised the passenger regarding the extent of deviation from the shortest possible route.

- (c) When a customer calls a taxicab carrier for service, the taxicab carrier shall request a phone number or email address from the passenger and give an estimated time of pickup. Unless its effective tariff specifies a different time, the taxicab carrier shall arrive at the pickup location within 30 minutes from the time the customer first requested service or within five minutes of a time call, whichever is applicable. The time restriction is limited to pickup locations within a 25-mile radius of the taxicab carrier's dispatch center. A taxicab carrier need not provide time call service if doing so would conflict with the 30-minute margin (or such other margin specified in the taxicab carrier's effective tariff) allowed a taxicab carrier under this paragraph. A delay under this rule shall be excused if:
 - (I) the customer has left the passenger's telephone number or email address with the taxicab carrier;
 - (II) the taxicab carrier notifies the passenger regarding the delay; and
 - (III) such delay is caused by inclement weather, traffic congestion, or other circumstances beyond the control of the taxicab carrier.

6254. Additional Service Requirements for Taxicab Carriers Operating Within or Between Counties with a Population Density of 40 or More People per Square Mile.

Taxicab carriers operating within or between counties with a population density of 40 or more people per square mile based on the most recent federal census shall be subject to the additional requirements of this rule. To the extent of conflict between rule 6254 and the regulated intrastate carrier rules, the requirements of rule 6254 shall prevail

- (a) Hours of operation. Taxicab carriers shall be available to provide service 24 hours per day, every day of the year.
- (b) Age of motor vehicles. The maximum age of motor vehicles shall be ten model years.
- (c) A taxicab otherwise subject to this rule that is equipped with ramps, lifts, or other special devices to facilitate the loading, unloading, or transportation of individuals with disabilities is exempt from the requirements of paragraph 6213(a) and paragraph (b) of this rule if all such devices are in good working order.

6255. Additional Service Requirements for Taxicab Carriers Operating Within and Between the Counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson.

Taxicab carriers operating within or between the counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson shall be subject to the additional requirements of this rule. To the extent of conflict between rule 6255 and other taxicab carrier rules, the requirements of rule 6255 shall prevail.

- (a) Communications and dispatch.
 - (I) Taxicab carriers shall obtain and advertise a central telephone number by which the public may call and request service.
 - (II) Taxicab carriers shall employ a communications system capable of contacting each of its taxicabs in service. The communications system shall have the ability to "broadcast" to all motor vehicles in the fleet at the same time.

- (III) Beginning January 1, 2014, taxicab carriers shall employ a GPS-based, digital dispatch system that tracks and records driver hours or service, and records and reports trip information including origination point and customer wait times.
- (IV) Beginning January 1, 2014, taxicab carriers shall employ a GPS-based, digital dispatch system that records and reports driver location and on-duty time. Said system must log a driver on-duty when the driver's assigned vehicle is within two miles of Denver International Airport or Colorado Springs Municipal Airport, and 500 feet of any known taxi stand.
- (V) Beginning January 1, 2014, taxicab carriers shall employ a GPS-based digital dispatch system that locks out any driver who has exceeded on-duty hours of service maximums.
- (VI) Beginning January 1, 2014, taxicab carriers shall lockout, for a minimum of eight hours, a driver who has exceeded on-duty hours of service maximums. Drivers who are locked-out, shall not be allowed access to the carriers dispatch system, credit card processing system, and metering system.
- (VII) Beginning January 1, 2014, taxicab carriers shall log a driver as being on-duty when the vehicle assigned to said driver, enters an area no less than two miles of Denver International Airport or Colorado Springs Municipal Airport, or 500 feet of known taxi stands.
- (b) Age of motor vehicles. The maximum age of motor vehicles shall be eight model years. A taxicab carrier operating vehicles that are over eight model years old as of August 1, 2012, shall have until July 31, 2014, to comply with this paragraph for those specific vehicles.
- (c) A taxicab otherwise subject to this rule that is equipped with ramps, lifts, or other special devices to facilitate the loading, unloading, or transportation of individuals with disabilities is exempt from the requirements of paragraph 6213(a) and paragraph(b) of this rule if all such devices are in good working order.

6256. Record Keeping.

- (a) A taxicab carrier shall maintain in its files, for a minimum of one year from the date a customer requested service, the following data for each trip:
 - (I) the taxicab number;
 - (II) the driver's name;
 - (III) the date and time of the customer's request for service;
 - (IV) the address, date, and time of the customer's pickup; and
 - (V) the address of the customer's destination.
- (b) If multiple loading is applicable for a given trip, then the data shall reflect the requirements of this rule for each party involved in the multiple loading trip.

6257. Total Charges for Transportation to and from Denver International Airport.

Taxicab carriers authorized to provide service to or from any portion of the zones listed in this rule shall be subject to all the provisions of this rule.

- (a) The total charge established pursuant to this rule shall be the only authorized taxicab rates for service between points in the zones described by this rule, on the one hand, and DIA, on the other hand. These charges shall be the rates in effect for every taxicab carrier subject to this rule.
- (b) Taxicab drivers shall inform passengers of the total charge prior to commencing the trip.
- (c) Rates for taxicab service between a defined zone and DIA.
 - (I) Taxicab carriers shall charge the rates permitted by this rule for service between DIA and the zones defined below. Taxicab carriers providing service between DIA and the zones listed in this rule shall not charge live meter rates, (including any charge for mileage, waiting time, and traffic delay). Only as specifically authorized below, taxicab carriers providing service between DIA and the zones listed in this rule may charge airport access fees or for additional passengers in one traveling party.
 - (II) The total charge between DIA and any point within a defined zone shall be the zone rate, plus any applicable airport access fee, plus any applicable per drop fee.
 - (III) Zone A: The zone rate for transportation between DIA and any point in Zone A shall be \$51.00.
 - (IV) Zone B: The zone rate for transportation between DIA and any point in Zone B shall be \$57.00.
 - (V) Zone C: The zone rate for transportation between DIA and any point in Zone C shall be \$84.00.
 - (VI) Access fees as established by DIA for the use of its facilities for one trip levied upon the taxicab.
 - (VII) A drop fee of \$5.00 may be charged for each additional drop within a zone required by members of one traveling party.
- (d) The zones established in this rule include the following:
 - (I) Zone A (Downtown Denver): Beginning at the intersection of Clarkson Street and Park Avenue West, then northwest on Park Avenue West to Interstate 25, then south on Interstate 25 to 13th Avenue, then east on 13th Avenue to Clarkson Street, then north on Clarkson Street to the point of beginning.
 - (II) Zone B (Denver Technological Center): Beginning at the intersection of Dayton Street and Arapahoe Road, then north on Dayton Street to Bellevue Avenue, then west on Bellevue Avenue to Yosemite Street, then north on Yosemite Street to Quincy Avenue, then west on Quincy Avenue to Monaco Street, then south on Monaco Street to Bellevue Avenue, then east on Bellevue Avenue to Quebec Street, then south on Quebec Street to Arapahoe Road, then east on Arapahoe Road to the point of beginning.
 - (III) Zone C (Boulder): The area within the city limits of the City of Boulder, Colorado, as such city limits exist on the day these Transportation by Motor Vehicle Rules become effective.

- (e) Additional requirements with multiple loading.

The taxicab driver shall inform the parties of the total charge prior to departing from the point of origin of the second traveling party and advise the parties they must determine how much of the total charge each party is obligated to pay. The total charge may be approximated for taxicab service provided under subparagraphs (I), (II), or (III) of this paragraph.

- (I) If the first party is dropped at a point within a defined zone and additional parties are at different points in the same zone, the total charge shall be the appropriate zone rate, plus any applicable airport access fee, plus a \$5.00 charge for each additional drop within the zone.
- (II) If the first party is dropped at a point within a defined zone and the second party is dropped at a point outside of any defined zone the charge for the first party shall be the appropriate zone rate plus the agreed portion of applicable airport access fees. The charge for the second party shall be the meter fare from the first drop point to the second drop point, plus the agreed portion of applicable airport access fees.
- (III) If the first party is dropped at a point outside of the defined zones, the rates established in this rule shall not apply.

6258. Taxicab Violations, Civil Enforcement, and Civil Penalties.

- (a) A person who violates subparagraph (c)(I) of rule 6257 may be assessed a civil penalty as follows for each violation:
 - (I) Up to \$275.00 for an overcharge of \$25.00 or less.
 - (II) Up to \$550.00 for an overcharge greater than \$25.00 but less than or equal to \$50.00.
 - (III) Up to \$1,100.00 for an overcharge greater than \$50.00.
- (b) A violation of paragraph (b) of rule 6253 may result in the assessment of a civil penalty of up to \$550.00 for each violation.
- (c) Except as provided for in paragraphs (a) and (b) of this rule, a person who violates any provision of these Taxicab Carrier Rules or § 42-3-236, C.R.S. may be assessed a civil penalty of up to \$275.00 for each violation.
- (d) Civil penalty assessments are in addition to any other penalties provided by law.

6259. - 6299. [Reserved].